

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MATTHEW G. SCOTT,

Petitioner,

v.

MICHAEL MEISNER,

Respondent.

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ORDER

15-cv-326-jdp

Pro se petitioner Matthew G. Scott is a prisoner in the custody of the Wisconsin Department of Corrections. He petitioned for a writ of habeas corpus under § 2254. After several orders and a response from the government, Scott was due to file a brief in support of his petition.

Now Scott has filed a letter indicating that he would like to withdraw his petition. Dkt. 12. Scott writes: “At this point I feel like moving forward with my life, accepting where I’m at in my life and taking responsibility for my actions and working towards a bright future.” *Id.* at 1. I construe Scott’s letter as a motion to dismiss. Respondent does not oppose Scott’s request. Dkt. 13.

The Rules Governing Section 2254 Cases do not include a rule governing voluntary dismissals of habeas corpus petitions. *Magritz v. Morgan*, No. 06-cv-590, 2006 WL 5866674, at \*1 (W.D. Wis. Dec. 19, 2006). But Rule 12 provides that “[t]he Federal Rules of Civil Procedure, to the extent that they are not inconsistent with any statutory provisions or these rules, may be applied to a proceeding under these rules.” So I will apply Fed. R. Civ. P. 41(a) governing voluntary dismissal. I will grant Scott’s request and wish him success in moving on with a law-abiding life.

ORDER

IT IS ORDERED that:

1. Petitioner Matthew G. Scott's motion to dismiss, Dkt. 12, is GRANTED. The petition is dismissed without prejudice.
2. The clerk's office is directed to close this case.

Entered October 27, 2016.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge